

### **REMARKS**

The Examiner has identified two allegedly distinct groups of inventions as follows:

- Group I: Claims 107-190 drawn to a method of inducing direct somatic embryogenesis in monocots without an intervening callus stage, culturing the somatic embryogenesis cells to plantlets through different culture medium, classified in class 435, subclass 431, for example.
- Group II: Claims 191-207 drawn to inducing somatic embryogenesis in monocotyledonous callus cells, suspension cells, or microspore derived embryos and regenerating the cells into plants through different culture medium, classified in class 435, subclass 430.1, for example.

The Examiner states that inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, MPEP §808.01). In the instant case, the Examiner states that the different inventions are unrelated because the processes of Groups I and II have different starting materials and different method steps. The Examiner states that Group I does not involve any callus, while Group II does.

Further, the Examiner advises Applicants that an election of the invention to be examined must be made, even though the requirement be traversed (37 C.F.R. 1.143). In addition, the Examiner reminds Applicants that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.

In response, Applicants elect claims 107-190 of Group I for examination without traverse. Claims 191-207 of Group II are withdrawn from consideration as being drawn to a non-elected invention, and these claims are cancelled without prejudice. Applicants reserve the right to pursue any unclaimed subject matter in one or more divisional or continuation applications. No amendment of inventorship is required.

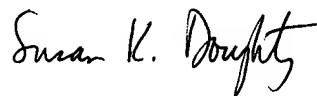
### **CONCLUSION**

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested.

If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

It is believed that this amendment does not necessitate payment of any additional fees under 37 C.F.R. 1.16-1.17. If the amount submitted is incorrect, however, please charge any deficiency or credit any overpayment to Deposit Account No. 07-1969.

Respectfully submitted,



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